

The Gazette



of India

PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, JANUARY 22, 1949

 separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V

**Bills introduced in the Constituent Assembly of India (Legislative), Reports of Select Committees presented to the Constituent Assembly of India (Legislative) and Bills published under Rule 39 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business.**

GOVERNMENT OF INDIA

**CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)***New Delhi, the 18th January, 1949*

**No. F. 104-I/49-A.**—Under Rule 39 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, the Governor General has been pleased to order the publication in the Gazette of India of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information:—

**A. BILL\* No. 2 OF 1949**

*A Bill to provide for the development of the tea industry under Central control, and for that purpose to establish a Tea Committee for India and levy a customs-duty on tea produced in, and exported from, India.*

—AS it is expedient to provide for the development of the tea industry under Central control, and for that purpose to establish a Tea Committee for India and levy a customs-duty on tea produced in, and exported from, India; hereby enacted as follows:—

*Preliminary.*

**, extent and commencement.**—(1) This Act may be called the **Tea Industry Development Act, 1949**.

It shall extend to all the Provinces of India, and also to every Acceding State to which the Dominion Legislature has power to make laws in respect of the matters dealt with in this Act.

It shall come into force on the 1st day of April, 1949.

**to expediency of control by Central Government.**—It is hereby declared that it is expedient in the public interest that the Central Government shall have under its control the development of the tea industry.

(a) of sub-section (1) of section 37 of the Government of India Act, 1935, has recommended the introduction of this Bill in the Legislature.

**3. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “cess” means the customs-duty imposed by section 10;
- (b) “Committee” means the Tea Committee for India constituted under section 4;
- (c) “dealer” means a dealer in tea;
- (d) “Fund” means the Tea Improvement Fund referred to in section 11;
- (e) “grower” means a grower of tea;
- (f) “manufacturer” means a manufacturer of tea;
- (g) “member” means a member of the Committee;
- (h) “prescribed” means prescribed by rules made under this Act.

*Tea Committee for India.*

**4. Constitution of Tea Committee for India.**—(1) The Central Government shall, by notification in the official Gazette and with effect from a date specified therein, constitute a Committee to be called the “Tea Committee for India” for the purpose of receiving and expending the cess levied under this Act and any other moneys which may be paid to the Committee, and exercising such other powers and discharging such other duties as may be assigned to the Committee by or under this Act.

(2) The Committee shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Committee shall consist of the following members, namely:—

- (i) a Chairman to be appointed by the Central Government;
- (ii) three persons to be nominated by the Assam Branch of the Indian Tea Association;
- (iii) one person to be nominated by the Assam Tea Planters’ Association;
- (iv) two persons to be nominated by the Indian Tea Association in the Assam Branch thereof;
- (v) one person to be nominated in the prescribed manner by tea planters’ associations in West Bengal;
- (vi) two persons to be nominated by the United Planters’ Association of Southern India;
- (vii) one person to be nominated by the Kangra Valley Tea Association;
- (viii) one member to be appointed by the Central Government to represent the Indian tea planters of South India;
- (ix) one member to be nominated by the Federation of Chambers of Commerce and Industry;
- (x) four persons to be appointed by the Central Government, two to represent export and import traders in tea, and two to represent internal traders in tea;
- (xi) eight officials, of whom three shall be appointed by the Central Government, and one shall be nominated by the Government of Bengal, one by the Government of Assam, one by the Government of Madras, one by the Government of East Punjab, and one by the Government of Travancore.

(4) Every appointment or nomination of a member shall be notified in the official Gazette; and the member shall hold office for such term, not exceeding three years, commencing from the date of the notification, as may be specified therein.

(5) When the term of office of a member expires or is about to expire by efflux of time, or when a member dies, resigns, is removed, ceases to reside in India, or becomes incapable of acting, the body or Government which nominated or appointed him under sub-section (3) may nominate or appoint a person to fill the vacancy which has arisen or is about to arise, as the case may be.

(6) If any of the bodies or Governments fails to make any nomination which it is entitled to make under sub-section (3) or sub-section (5) within the time and in the manner, if any, prescribed in that behalf, the Central Government may make the nomination itself; and any person so nominated shall, for all the purposes of this Act, be deemed to have been nominated by the body or Government concerned.

**5. Vacancies, etc., not to invalidate acts and proceedings.**—No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Committee.

**6. Salary and allowances of Chairman.**—The Chairman shall be entitled to such salary and allowances and to such conditions of service in respect of leave, pension, provident fund, and other matters as may from time to time be fixed by the Central Government.

**7. Vice-Chairmen.**—The Committee shall elect from among its members a Vice-Chairman, or if the Central Government so direct, two Vice-Chairmen; and a Vice-Chairman shall exercise such of the powers and discharge such of the duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

**8. Executive and other Sub-Committees.**—(1) There shall be an Executive Sub-Committee for the purpose of exercising such of the powers and performing such of the duties of the Committee as the Committee may delegate to the Sub-Committee, not being powers or duties the delegation of which is prohibited by rules made under this Act.

(2) The Executive Sub-Committee shall consist of—

- (i) the Chairman;
- (ii) the Vice-Chairman, or where there are two Vice-Chairmen, both of them; and
- (iii) seven other members elected by the Committee from among its members.

(3) Subject to such control and restrictions as may be prescribed, the Committee may constitute other Sub-Committees (which may include persons who are not members of the Committee) for exercising any power or discharging any duty of the Committee, or for inquiring into and reporting or advising on any matter which the Committee may refer to it.

**9. Secretary and staff.**—(1) The Central Government shall, after consulting the Committee, appoint a Secretary to the Committee who shall, under the control and direction of the Committee, exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Committee or the Chairman.

(2) Subject to such control and restrictions as may be prescribed, the Committee may appoint such officers and servants as may be necessary for the efficient performance of its functions and pay them such salaries and allowances as it may from time to time determine.

*Levy of cess and constitution of Fund*

**10. Imposition of duty on exports of Indian tea.**—On and from the 1st day of April, 1949, a customs-duty shall be levied and collected on all tea produced in India which is exported outside India from any area to which this Act applies, at such rate not exceeding two rupees per hundred pounds as the Central Government may, after consulting the Committee, notify in the official Gazette.

**11. Constitution of Fund.**—As soon as may be after the expiry of each month, the proceeds of the cess collected during that month shall, after deduction of the expenses of collection, be paid to the Committee; and the Committee shall credit the said proceeds and any other moneys which may be received by it to a Fund to be called the "Tea Improvement Fund".

**12. Application of Fund.**—(1) The Fund shall be applied by the Committee towards meeting its expenses and the cost of such measures as the Committee may consider it advisable to take for the benefit or development of the tea industry, including measures for—

(a) promoting the sale, and increasing the consumption, in India and elsewhere, of Indian tea or of tea generally; carrying on propaganda for those purposes;

(b) supplying technical advice to growers, manufacturers and dealers; encouraging the adoption of improved methods by them and undertaking or promoting research in that behalf;

(c) collecting statistics from growers, manufacturers or dealers and from such other persons as may be prescribed, on any matter relating to the tea industry; the publication of statistics so collected or portions thereof or extracts therefrom;

(d) fixing grade standards of tea;

(e) improving the marketing of tea in India and elsewhere; and preventing unfair competition;

(f) assisting in the control of insects and other pests and diseases affecting tea;

(g) promoting co-operative efforts among growers and manufacturers;

(h) ensuring remunerative returns to growers and manufacturers;

(i) maintaining, and assisting in the maintenance of, research institutes, and experimental and demonstration farms and manufacturing stations;

(j) such other matters as may be prescribed.

(2) The Committee shall exercise the powers conferred on it by sub-section (1) in accordance with, and subject to, such rules as may be prescribed, including rules for the allocation of moneys to different purposes.

**13. Borrowing powers of Committee.**—Subject to such rules as may be prescribed, the Committee shall have power to borrow on the security of the Fund for any purpose for which the Fund may be applied under section 12:

Provided that—

(a) every loan shall be repayable not later than six months from the date on which it is taken;

(b) the total amount outstanding on all loans shall at no time exceed five lakhs of rupees.

**14. Accounts and audit.**—(1) The Committee shall cause accounts to be kept of all moneys received and expended by it.

(2) The accounts shall be audited every year by auditors appointed in this behalf by the Central Government; and such auditors shall disallow every item which, in their opinion, is not authorised by this Act or any rule made or direction issued thereunder.

(3) The Committee may, within three months from the date of the communication to it of the disallowance of any item as aforesaid, appeal against such disallowance to the Central Government whose decision shall be final.

**15. Power of Central Government to make rules.**—(1) The Central Government may, after consulting the Committee and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) the circumstances in which, and the authority by which, members may be removed;

(b) the holding of a minimum number of meetings of the Committee every year;

(c) the maintenance of a record of all business transacted at meetings of the Committee, and the submission of copies of such records to the Central Government;

(d) the conditions subject to which, and the mode in which, contracts may be made by or on behalf of the Committee;

(e) the preparation of budget estimates of the receipts and expenditure of the Committee, and the authority by which such estimates shall be sanctioned;

(f) the powers of the Committee, the Executive Sub-Committee and the Chairman, in regard to the incurring of expenditure; and the reappropriation of estimated savings in any budget head to another such head;

(g) the conditions subject to which the Committee may incur expenditure outside India;

(h) the conditions subject to which the Committee may borrow;

(i) any other matter which is to be, or may be, prescribed.

(3) All rules made under this section shall be published in the official Gazette.

**16. Power of Committee to make by-laws.**—(1) The Committee may make by-laws consistent with this Act and the rules made thereunder, to provide for—

(a) the dates, times and places of its meetings and of meetings of its Executive and other Sub-Committees, the quorum for such meetings, and the procedure thereat;

(b) the delegation of powers and duties to its Executive or any other Sub-Committee, or to its Chairman, a Vice-Chairman, its Secretary or any other of its officers;

(c) the travelling allowances of members and of members of Sub-Committees;

(d) the appointment, promotion and dismissal of its officers and servants, and the creation and abolition of their posts;

(e) the conditions of service of its officers and servants, including their pay, leave, leave allowances, pensions, gratuities, compassionate allowances and travelling allowances, and the establishment and maintenance of a provident fund for them;

(f) the maintenance of its accounts;

(g) the persons by whom, and the manner in which payments, deposits and investments may be made on its behalf;

(h) the custody of moneys required for its current expenditure; and the investment of moneys not so required;

(i) the preparation of statements showing the sums allotted to Departments of the Central and Provincial Governments or to other institutions.

(2) No by-law shall take effect until it has been confirmed by the Central Government and published in the official Gazette; and the Central Government, in confirming a by-law, may make any change therein which appears to it to be necessary.

(3) The Central Government may, by notification in the official Gazette, cancel any by-law which it has confirmed, and thereupon the by-law shall cease to have effect.

#### *Transitional provisions.*

**17. "Board" defined.**—In sections 18 and 19, the expression "Board" means the Indian Tea Market Expansion Board constituted under the Indian Tea Cess Act, 1908 (IX of 1908).

**18. Board to function as Committee in certain circumstances.**—(1) If, in the opinion of the Central Government, the Committee cannot be constituted in accordance with the provisions of this Act with effect from the 1st day of April, 1949, the Central Government shall, by notification in the official Gazette, direct that, notwithstanding anything contained in this Act, the members of the Board holding office immediately before the commencement of this Act shall be deemed to have been appointed or nominated as members of the Committee until the date fixed in pursuance of this Act for the constitution thereof; and all the provisions of this Act applicable to the Committee and to the members thereof shall apply accordingly.

(2) In particular—

(a) the Chairman, Vice-Chairmen and Secretary of the Board shall be deemed to have been elected or appointed Chairman, Vice-Chairmen and Secretary of the Committee;

(b) the Executive Committee of the Board shall be deemed to have been constituted as the Executive Sub-Committee of the Committee.

(3) Any vacancy which may exist in the membership of the Board or Executive Committee thereof at the commencement of this Act, or which may occur subsequently but before the date fixed for the constitution of the Committee under this Act, may, unless the Central Government otherwise direct, be filled in the same manner in which it would have been filled if this Act had not been passed.

**19. Transfer to Committee of all rights and liabilities of Board.**—(1) Subject to the provisions of this Act and the rules and by-laws made thereunder and subject also to such directions as the Central Government may, by general or special order, give in this behalf—

(a) all moneys and other property, and all rights and interests, of whatever kind, owned by, vested in, used, enjoyed or possessed by, or held in trust by or for, the Board as well as all liabilities legally subsisting against it, shall pass to the Committee with effect from the commencement of this Act;

(b) all officers and servants of the Board holding office immediately before the commencement of this Act shall be deemed to have been appointed officers and servants of the Committee with effect from the commencement of this Act, and shall be entitled to the same pay and allowances and to the same conditions of service in respect of other matters

as they were entitled to immediately before the commencement of this Act; and any contract of service entered into by any such officer or servant with the Board shall have effect as if it were a contract entered into by him with the Committee immediately after the commencement of this Act;

(c) any proceedings taken by the Board before the commencement of this Act may be continued by the Committee.

(2) If any difficulty arises in giving effect to the provisions of this or any other section of this Act, the Central Government may, as occasion may arise, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

#### *Repeals.*

**20. Repeals.**—(1) The Indian Tea Cess Act, 1900 (IX of 1900) (including sections 2 to 7 thereof which expire on the 31st day of March, 1949) is hereby repealed.

(2) Section 6 of the General Clauses Act, 1897 (X of 1897), shall apply upon the expiry of sections 2 to 7 of the Indian Tea Cess Act aforesaid, as if those sections had been repealed before the expiry thereof, by this Act.

#### STATEMENT OF OBJECTS AND REASONS.

The tea industry is one of the major industries of India and provides one of our most important commodities for export. The maintenance and development of the industry, and in particular the marketing of Indian tea abroad, is thus of national importance. It is therefore proposed to replace the present Indian Tea Market Expansion Board by a body called the Tea Committee for India with enlarged functions and duties which would include, apart from propaganda designed to secure increased sales and consumption of tea, the promotion of research relating to tea at all stages of the industry, the collection of statistics, the fixing of grade standards, and generally the rendering of assistance to the industry in all practicable ways. The Committee will consist of representatives of all sections of the tea industry and trade, as well as of the Governments of the main tea-growing Provinces and States and the Central Government. Provision has been made for the exercise of adequate control over the activities of the Committee by the Central Government.

2. To enable the Committee to discharge its functions effectively, it is proposed to enhance the maximum rate of cess which may be levied on exports of tea from Rs. 1-8-0 per 100 lbs. to Rs. 2 per 100 lbs.

K. O. NEOGY.

NEW DELHI;  
The 4th January, 1949

M. N. KAUL,  
Secy. to the Govt. of India.

